



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3041 (UT-010)
UTU-078279

April 30, 2008

CERTIFIED MAIL # 7007 0710 0002 5252 2581
RETURN RECEIPT REQUESTED

M W HAMILTON
ROCANVILLE STONE
PO BOX 35
DELTA, UT 84624

-Decision-

Notice Expired - Reclamation Required

Dear Mr. Hamilton:

The Fillmore Field Office (FFO), Bureau of Land Management (BLM) received a proposed notice level operation located in T 18 S., R. 13 W., SLM, sec 29 and serialized as UTU-078279 in 2000 from Levin Stone. The notice was transferred to Rocanville Stone on April 18, 2001. Under the current surface management regulations a notice is approved for two years. Following this an extension must be filed with the FFO. UTU-078279 was extended on January 16, 2003 and consequently expired on January 20, 2005. The site of the notice was under a proposed amendment of Rocanville Stone's Plan of Operation UTU 79464-01 that would have combined the operations. The Plan amendment has now been rejected and at this time reclamation is the only permitted activity on the site of the notice.

Reclamation responsibilities extend beyond the expiration of your notice until such a time as the BLM determines that the reclamation is satisfactorily complete. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 3809.701.

Pursuant to 3809.300 (d), you may not conduct any operations under an expired notice. If you wish to continue operations you must comply with current surface management regulations and submit a new notice, for exploration activities, or a plan of operations, for mining activities. Reclamation may be postponed if you file a new notice or plan of operations with the FFO pursuant to 43 CFR 3809.301 within 30 days from the receipt of this decision. The new notice or plan of operations and an acceptable financial guarantee must be accepted by the FFO prior to commencing any operations. If the newly submitted notice or plan of operations is not accepted, or you do not timely post the appropriate financial guarantee as requested for either a notice or a plan, you must begin reclamation within 30 days of the BLM's decision finding that the new notice or plan or financial guarantee is incomplete or unacceptable.

The FFO is of the preliminary opinion that the material being mined under UTU-078279 is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you would relinquish your claims and sign a contract with the BLM to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

0002
RECEIVED
MAY 02 2008

U.S. DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DIVISION OF OIL, GAS & MINING

The Independent Offices Appropriation Act of 1952 (IOAA), 31 U.S.C. 9701 authorizes federal agencies to charge processing costs. The IOAA also states that these charges should pay for the agency services, as much as possible. The BLM also has specific authority to charge fees for processing applications and other documents relating to public lands under Section 304 of the Federal Land Policy and Management Act of 1976 (FLPMA) 43 U.S.C. 1734. The IOAA and Section 304 of FLPMA authorize the BLM to charge applicants for the cost of processing documents by issuing regulations. The final cost recovery rule, which was published in the Federal Register on October 7, 2005 (70 FR 58854), provides for fixed fees as well as case-by-case fees.

If you wish to continue operations in the project area under 43 CFR 3809 regulations by submitting a notice for exploration activities or a plan of operations for mining activities the cost recovery rule will apply to validity and mineral examinations and reports performed in connection with potential common variety minerals.

If you wish to continue operations in the project area under 43 CFR 3602 regulations by pursuing a mineral materials disposal cost recovery will apply to the cost of processing the request. The BLM must receive these funds prior to continuing any case processing.

If you do not pursue operations within the project area within 30 days of the receipt of this decision, reclamation must begin on the 31st day, and be completed at the earliest feasible time, unless you contact the FFO and gain approval to postpone commencement.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155,

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
35 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

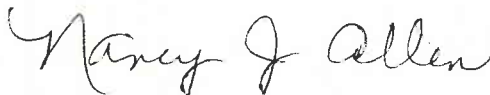
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm in the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions or concerns please feel free to contact Matt Rajala, NRS Geologist, Fillmore Field Office, at (435) 743-3124.

Sincerely,



For: Sherry K. Hirst
Field Office Manager

Enclosures:
Form 1842-1

CC:

W David Weston,
Rocanville Stone LLC
218 W Paxton Ave
Salt Lake City, UT 84101

Rocanville Stone LLC
461 E Topaz Townhouse #8
Delta, UT 84624

Merton W Hamilton,
Rocanville Corporation
461 E Topaz
Delta, UT 84624

Rocanville Corporation
8235 Douglas Ave
Dallas, TX 75225

Tom Monson
UDOGM (S/027/087)
1594 W North Temple Ste 1210
SLC, UT, 84114-5801

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

**1. NOTICE OF
APPEAL.....**

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE
NOTICE OF APPEAL.....**

WITH COPY TO
SOLICITOR...

3. STATEMENT OF REASONS

Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)